

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**JUICE ENTERTAINMENT, LLC,
THOMAS DORFMAN, AND CHRIS
BARRETT,**

Plaintiffs,

vs.

LIVE NATION ENTERTAINMENT, INC.,

Defendant.

**Civil Action No.
2:11-cv-07318-WHW-CLW**

Hon. William H. Walls

**CERTIFICATION OF AMY WALKER WAGNER IN OPPOSITION TO DEFENDANT
LIVE NATION'S MOTION FOR SUMMARY JUDGMENT**

I, Amy Walker Wagner, of full age, upon my oath certify as follows:

1. I am a member of the Bar of this Court and a Partner in the law firm of Stone & Magnanini LLP, attorneys for Plaintiff Juice Entertainment, LLC in the above-captioned matter. I submit this Certification in support of Plaintiffs' Opposition to Defendant Live Nation, Inc.'s Motion for Summary Judgment.
2. A true and correct copy of excerpts from the deposition transcript of Vito Bruno, dated February 4, 2014, is attached as Exhibit 1.
3. A true and correct copy of excerpts from telephone text transcripts between Chris Barrett and John Dimatteo, dated February 5-11, 2011, which were produced by Plaintiffs at JUICE0000359-360, is attached as Exhibit 2.
4. A true and correct copy of a text message transcript, dated March 6, 2011, which was produced by Plaintiffs at JUICE0004153-4155, is attached as Exhibit 4.

5. A true and correct copy of excerpts from a meeting transcript, dated March 5, 2011, which was produced by Plaintiffs at JUICE0000591-640, is attached as Exhibit 5.

6. A true and correct copy of excerpts from the deposition transcript of Alan Sacks, dated July 18, 2013, is attached as Exhibit 6.

7. A true and correct copy of excerpts from the deposition transcript of Jason Miller, dated December 19, 2013, is attached as Exhibit 7.

8. A true and correct copy of excerpts from the deposition transcript of Thomas Dorfman, dated November 12, 2013, is attached as Exhibit 8.

9. A true and correct copy of excerpts from the deposition transcript of John Dimatteo, dated July 17, 2013, is attached as Exhibit 9.

10. A true and correct copy of an email thread between Steve Goodgold and John Dimatteo, dated January 15, 2011, which was produced at WINDISH0000018-21, is attached as Exhibit 10.

11. A true and correct copy of an email thread among Jason Miller, John D'Esposito, Joel Zimmerman, and Samantha Kirby Yoh, dated February 16, 2011, which was produced by Defendants at LN0000993-994, is attached as Exhibit 11.

12. A true and correct copy of an email thread among Samantha Kirby Yoh, Alix Chaykin, David Levy, John Dimatteo, and Peter Wiederlight, dated February 23, 2011, which was produced at WME000349-350, is attached as Exhibit 12.

13. A true and correct copy of an email thread among Jason Miller, John Dimatteo, John D'Esposito and Jesse Bellin, dated April 6, 2011, which was produced by Defendants at LN0001039, is attached at Exhibit 13.

14. A true and correct copy of an email among Jason Miller, John D'Esposito, et al., dated May 12, 2011, which was produced by Defendants at LN0001048, is attached as Exhibit 14.

15. A true and correct copy of excerpts from the deposition transcript of Al Dorso, dated July 16, 2013, is attached as Exhibit 15.

16. A true and correct copy of excerpts from a meeting transcript, dated March 7, 2011, which was produced by Plaintiffs at JUICE0006838-6925, is attached as Exhibit 16.

17. A true and correct copy of an engagement letter from Al Dorso to Thomas Dorfman and Chris Barrett, dated December 1, 2010, which was produced by Plaintiffs at JUICE0002202, is attached as Exhibit 17.

18. A true and correct copy of an email from John Oliver to Thomas Dorfman, dated May 16, 2011, which was produced by Plaintiffs at JUICE0002960, is attached as Exhibit 18.

19. A true and correct copy of biographical information regarding Chris Barrett and Thomas Dorfman, which was produced by Plaintiffs at JUICE0001279, is attached as Exhibit 19.

20. A true and correct copy of a list of events produced by Thomas Dorfman, produced by Plaintiffs at JUICE0004234-4236, is attached as Exhibit 20.

21. A true and correct copy of a news article entitled "Former Staten Islander making a name for himself as DJ," dated March 26, 2009, which was produced by Plaintiffs at JUICE0004436-4438, is attached as Exhibit 21.

22. A true and correct copy of an agreement between State Fair Event Management (SFEM) and Juice Entertainment, dated March 7, 2011, which was produced by Plaintiffs at JUICE0010183-10199, is attached as Exhibit 22.

23. A true and correct copy of an email from Alex Chaykin to John Dimatteo, dated February 7, 2011, which was produced at WME000208, is attached as Exhibit 23.

24. A true and correct copy of an email thread from Alex Chaykin to John Dimatteo, et al., dated February 17, 2011, which was produced at WME000321, is attached as Exhibit 24.

25. A true and correct copy of an email from John Dimatteo to Vito Bruno, et al., dated January 26, 2011, which was produced by Plaintiffs at JUICE0002228, is attached as Exhibit 25.

26. A true and correct copy of an email thread from John Dimatteo to Peter Wiederlight, dated January 28, 2011, which was produced at WME000589, is attached as Exhibit 26.

27. A true and correct copy of an email thread among Samantha Kirby Yoh, Joel Zimmerman, Marc Geiger, et al., dated January 25, 2011, which was produced at WME000093-94, is attached as Exhibit 27.

28. A true and correct copy of an email thread among Samantha Kirby Yoh, Joel Zimmerman, Marc Geiger, et al., dated January 25, 2011, which was produced at WME000098-100, is attached as Exhibit 28.

29. A true and correct copy of an email from John D'Esposito to Jesse Bellin and Jason Miller, dated October 7, 2009, which was produced by Defendants at LN0007036, is attached as Exhibit 29.

30. A true and correct copy of an email thread among Jason Miller, John D'Esposito, Linda Lorenzo, et al., dated October 13, 2009, which was produced by Defendants at LN0008099-8101, is attached as Exhibit 30.

31. A true and correct copy of an email with attached press release from John D'Esposito to John Dimatteo, dated May 25, 2010, which was produced by Defendants at LN0000255, is attached as Exhibit 31.

32. A true and correct copy of an email thread among Samantha Kirby Yoh, Marc Geiger, Joel Zimmerman, et al., dated January 31, 2011, which was produced at WME000113, is attached as Exhibit 32.

33. A true and correct copy of an email from Kevin Morrow to John D'Esposito, dated October 12, 2009, which was produced at LN0008091, is attached as Exhibit 33.

34. A true and correct copy of an email thread among John Dimatteo, Alan Sacks, Tommy Dorfman, Chris Barrett, Vito Bruno, and Brian Arteca, dated March 6, 2011, which was produced by Plaintiffs at JUICE0001742, is attached as Exhibit 34.

35. A true and correct copy of an email thread among Jason Miller, John D'Esposito Joel Zimmerman, and Samantha Kirby Yoh, dated February 16, 2011, which was produced by Defendants at LN0007574-76, is attached as Exhibit 35.

36. A true and correct copy of an email thread among Jason Miller, John D'Esposito Joel Zimmerman, and Samantha Kirby Yoh, dated February 16, 2011, which was produced by Defendants at LN0001697-98, is attached as Exhibit 36.

37. A true and correct copy of an email thread among John D'Esposito, Al Dorso, Jr., and Chris Femiano, dated February 23, 2011, which was produced by Defendants at LN0001020-22, is attached as Exhibit 37.

38. A true and correct copy of excerpts from the deposition transcript of Thomas Dorfman, dated March 28, 2016, is attached as Exhibit 38.

39. A true and correct copy of excerpts from a meeting transcript, dated April 22, 2011, which was produced by Plaintiffs at JUICE0006959-6989, is attached as Exhibit 40.

40. A true and correct copy of a news article entitled “Rahm Emanuel: Pal\$ with thuggish concert giants Ticketmaster/Live Nation and Lollapalooza,” dated February 7, 2011, which was produced by Plaintiffs at JUICE0009522-31, is attached as Exhibit 41.

41. A true and correct copy of an email from Jason Miller to Amy Thomson, dated April 25, 2011, which was produced by Defendants at LN0007094, is attached as Exhibit 42.

42. A true and correct copy of an email thread among Jason Miller, Perry Lavosne, John Hopmans, et al., dated June 8, 2011, which was produced by Defendants at LN0007245-46, is attached as Exhibit 43.

43. A true and correct copy of an email thread between Alex Chaykin and Brett Fischer, dated February 4/ 2011, which was produced at WME000192, is attached as Exhibit 44.

44. A true and correct copy of an email thread among Alex Chaykin, John Dimatteo, Samantha Kirby Yoh, Joel Zimmerman, and Peter Wiederlight, dated February 4, 2011, which was produced by Plaintiffs at JUICE0004124-5, is attached as Exhibit 45.

45. A true and correct copy of an email from Jason Miller to Samantha Kirby Yoh, et al., dated February 4, 2011, which was produced at WME000198, is attached as Exhibit 46.

46. A true and correct copy of an email thread between Al Dorso, Jr., and John D’Esposito, dated February 22, 2011, which was produced by Defendants at LN0001004, is attached as Exhibit 47.

47. A true and correct copy of excerpts from a meeting transcript, dated April 15, 2011, which was produced by Plaintiffs at JUICE0010742-90, is attached as Exhibit 48.

48. A true and correct copy of excerpts from a telephone transcript, dated April 26, 2011, which was produced by Plaintiffs at JUICE0001016-1022, is attached as Exhibit 49.

49. A true and correct copy of an email thread between Steve Goodgold, John Dimatteo, dated February 22, 2011, which was produced by Plaintiffs at JUICE0004139-4141, is attached as Exhibit 50.

50. A true and correct copy of an email from Kelly Cobb to John Dimatteo, dated February 22, 2011, which was produced by Plaintiffs at JUICE0004149, is attached as Exhibit 51.

51. A true and correct copy of an email thread among John D'Esposito, Jason Miller, Joel Zimmerman, and Samantha Kirby Yoh, dated February 16, 2011, which was produced by Defendants at LN0000999-1001, is attached as Exhibit 52.

52. A true and correct copy of an email thread between Steve Hogan, Dan O'Neill, et al., dated March 9, 2011, which was produced at WME000375-377, is attached as Exhibit 53.

53. A true and correct copy of a news article entitled "Turning the tables, superstar DJs are spinning to the top," dated October 8, 2011, which was produced by Plaintiffs at JUICE0009554, is attached as Exhibit 54.

54. A true and correct copy of an email thread among Jason Miller, Samantha Kirby Yoh, et al., dated September 28, 2012, which was produced by Defendants at LN0036330-36333, is attached as Exhibit 55.

55. A true and correct copy of an email from Jason Miller to John D'Esposito, dated February 23, 2011, which was produced by Defendants at LN0001015, is attached as Exhibit 56.

56. A true and correct copy of excerpts from a meeting transcript, dated April 20, 2011, is attached as Exhibit 57.

57. A true and correct copy of an email thread among Thomas Dorman, John Dimatteo, et al., dated February 28, 2011, which was produced by Plaintiffs at JUICE0002015-2016, is attached as Exhibit 58.

58. A true and correct copy of an email thread between Jonas Schumann, Joel Zimmerman, et al., dated April 5, 2011, which was produced at WME000414, is attached as Exhibit 59.

59. A true and correct copy of excerpts from the deposition of Mario LaVecchia, dated June 20, 2016, is attached as Exhibit 60.

60. A true and correct copy of an email thread among Jesse Bellin, John Dimatteo, Jason Miller, John D'Esposito, et al., dated May 26, 2010, which was produced by Defendants at LN0007445-6, is attached as Exhibit 61.

61. A true and correct copy of an email thread among Jason Miller, John D'Esposito, et al., dated February 16, 2011, which was produced by Defendants at LN000996, is attached as Exhibit 62.

62. A true and correct copy of an email from John D'Esposito to Chris Femiano, dated February 23, 2011, which was produced by Defendants at LN0001008, is attached as Exhibit 63.

63. A true and correct copy of an email thread between Chris Femiano and John D'Esposito, dated February 23, 2011, which was produced by Defendants at LN0001010, is attached as Exhibit 64.

64. A true and correct copy of an email thread between Jason Miller and John D'Esposito, dated March 9, 2011, produced by Defendants at LN0001027, is attached as Exhibit 65.

65. A true and correct copy of an email from John Dimatteo to Tommy Dorfman, dated March 1, 2011, which was produced by Plaintiffs at JUICE0004492, is attached as Exhibit 66.

66. A true and correct copy of an email thread among Paul Potter, Tommy Dorfman, Chris Barrett, et al., dated November 24, 2010, which was produced by Plaintiffs at JUICE0004590-11, is attached as Exhibit 67.

I hereby certify that the above facts are true to the best of my knowledge. I understand that I am subject to punishment if any of the above facts are willfully false.

Dated: December 19, 2016

By: 

Amy Walker Wagner